

AN ORDINANCE 100810

APPOINTING VIRGINIA COBARRUBIAS, CATHERINE ANN DEAN, RAY GILL, KIRKLAN WARREN KING, RICHARD ELWOOD NITSCHKE, JERROLD RAY ROWRAY AND THOMAS M. RUMORA TO THE BOARD OF DIRECTORS FOR REINVESTMENT ZONE NUMBER SIXTEEN, CITY OF SAN ANTONIO, TEXAS, COMMONLY REFERRED TO AS THE BROOKS CITY-BASE PROJECT, FOR TERMS OF OFFICE BEGINNING JANUARY 1, 2005, TO EXPIRE DECEMBER 31, 2006, IN ACCORDANCE WITH THE TEXAS TAX CODE, CHAPTER 311, THE TAX INCREMENT FINANCING ACT, AND THE CITY CODE, CHAPTER 2, ARTICLE VIII, ENTITLED "BOARDS AND COMMISSIONS"; AND PROVIDING FOR THE WAIVER FOR THESE TERMS ONLY OF SECTION 2-402 OF SAID ARTICLE FOR EACH APPOINTEE AND OF SECTION 2-403(C) FOR AND RICHARD ELWOOD NITSCHKE.

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WHEREAS, the City of San Antonio ("City") received an application, sponsored by the City's Economic Development Department, for the use of TIF from the Brooks Development Authority, for the Brooks-City Base to be designated as a Tax Increment Financing Reinvestment Zone ("TIRZ") to help fund public improvements and promote economic development within the Zone; and

WHEREAS, pursuant to Ordinance Number 100073, passed and approved on December 09, 2004, City Council authorized the designation of the Brooks City-Base Project as Reinvestment Zone Number Sixteen, City of San Antonio, Texas ("Zone") and established a Board of Directors for the Zone (hereinafter "Board"); and

WHEREAS, the Tax Increment Financing Act ("The Act") provides that the Board consists of at least five (5) and not more than fifteen (15) members, unless a greater number is necessary in order to meet the requirements of the Act; currently the Board consists of seven members, all of whom are to be appointed by the City; and

WHEREAS, on December 16, 2004, City Council passed and approved Ordinance Number 100199, which amended Chapter 2 of the City Code of the City of San Antonio ("City Code"), by adding Article VIII, entitled "Boards and Commissions" which governs the creation and operation of all boards and commissions created by ordinance or resolution passed by the City Council; and

WHEREAS, staff advertised for applications for appointment to TIRZ Boards in January 2005, and while eight applications for the Brooks City-Base Board were received, one was withdrawn; however, all of the applicants meet the statutory requirements for eligibility for appointment to the Board; and

WHEREAS, it has been and continues to be the City's policy to subject all TIRZ boards to the boards and commissions policies of the City, except as provided otherwise by state law; and

WHEREAS, due to the unique nature of TIRZ boards, and in an effort to comply with the amended City Code, staff requests that for these terms only, these appointees to this board be exempted from Section 2-302 of the City Code, regarding the process used for making at-large appointments to boards and commissions and that Richard Elwood Nitschke be exempted from Section 2-403(c), regarding the requirement that all board appointees be residents of the City; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

Section 1. Virginia Cobarrubias, Catherine Ann Dean, Ray Gill, Kirklan Warren King, Richard Elwood Nitschke, Jerrold Ray Rowray and Thomas M. Rumora are hereby appointed to the Board of Directors for Reinvestment Zone Number Sixteen, City of San Antonio, Texas, commonly referred to as the Brooks City-BaseProject, for two-year terms beginning January 1, 2005, and expiring December 31, 2006.


Section 2. The above appointees to the Tax Increment Reinvestment Zone Number Twenty Board of Directors are required to comply with all applicable City Code provisions, City ordinances, Charter provisions, state law and federal law including the requirement to submit an annual Financial Disclosure form, the Texas Open Meetings Act, Charter provisions on Holdover, and Chapter 2, Article VIII of the City Code, except that, for these terms of office only, City Code Section 2-402 (at-large appointment process) shall not apply to these appointees and Section 2-403(c)(residency requirement) shall not apply to Richard Elwood Nitschke.


Section 3. It is hereby found that the above appointees are qualified voters of the City of San Antonio; or are at least eighteen (18) years of age and are owners of real property in the Zone, or are an employee or agent of a person who owns real property in the Zone, and thereby meet the requirements of the Tax Increment Financing Act in effect at the time the Zone was created.

Section 4. This ordinance shall be effective on the tenth day after passage hereof.

PASSED AND APPROVED this 5th day of May 2005.


M A Y O R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney